

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

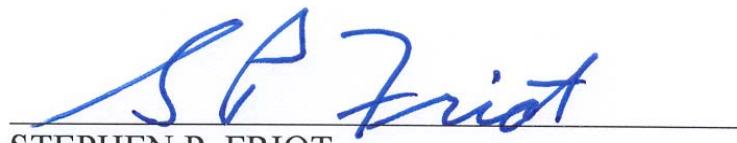
ORDER

On April 17, 2008, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation, wherein he recommended that plaintiff's action pursuant to 42 U.S.C. § 1983 be dismissed without prejudice to refiling because plaintiff had neither paid the initial partial filing fee of \$8.17 nor shown good cause for his failure to pay. Magistrate Judge Argo advised plaintiff of his right to file an objection to the Report and Recommendation by May 7, 2008 and further advised that failure to make timely objection waives plaintiff's right to appellate review of both factual and legal issues therein contained.

The court has reviewed the record in this case. To date, plaintiff has not filed an objection to the Report and Recommendation. Moreover, plaintiff has not sought leave for an extension of time to file an objection. With no objection being filed within the time prescribed and no request for an extension of time to file an objection being sought, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Doyle W. Argo on April 17, 2008 (doc. no. 8) is **ACCEPTED**, **ADOPTED** and **AFFIRMED**. Plaintiff's 42 U.S.C. § 1983 action is **DISMISSED WITHOUT PREJUDICE** to refiling.

DATED May 21, 2008.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

08-0136p002.wpd